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DATE FILED: 8-26-08

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

: 08 CR. 0692 (VM)

- against - :

**ORDER**

GENARO OCHOA, :

Defendant. :

-----X

**VICTOR MARRERO, United States District Judge.**

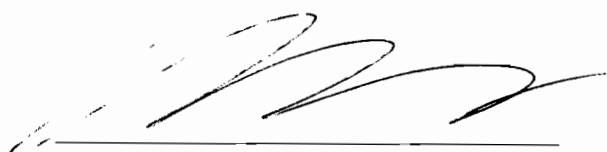
The Government (see attached letter) requests the exclusion of time until the next scheduled conference in this matter. The parties are directed to appear before the Court for a status conference on September 12, 2008 at 10:00 a.m.

All parties to this action consent to an exclusion of the adjourned time from the Speedy Trial Act until September 12, 2008. The Court notes that six days have expired without an exclusion of time.

It is hereby ordered that the adjourned time shall be excluded from speedy trial calculations. This exclusion is designed to guarantee effectiveness of counsel and prevent any possible miscarriage of justice. The value of this exclusion outweighs the best interests of the defendants and the public to a speedy trial. This order of exclusion of time is made pursuant to 18 U.S.C. §§ 3161(h)(8)(B)(ii) & (iv).

**SO ORDERED:**

Dated: New York, New York  
26 August 2008



Victor Marrero  
U.S.D.J.



## U.S. Department of Justice

United States Attorney  
Southern District of New York

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

August 20, 2008

**By Facsimile**

Honorable Victor Marrero  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: United States v. Genaro Ochoa  
08 Cr. 692 (VM)

Dear Judge Marrero:

On or about July 28, 2008, an indictment was filed in the above-referenced case. The defendant resides in Texas, and is currently released pursuant to a personal recognizance bond. Pursuant to a telephone call with Your Honor's Chambers, arraignment and an initial pre-trial conference was scheduled for a date to be determined in early September. This time was intended to allow the defendant to arrange to travel to the New York area, and to allow the parties to continue to engage in discussions about a possible pre-trial disposition to this case. The Government and defense counsel have had extensive discussions about this case, including a possible disposition, and expect to be able to update the Court as to these discussions when we appear before Your Honor next month. For these reasons, the parties jointly request a pre-trial conference date the week of September 8, 2008.

The Government respectfully requests that the Court exclude time from today until the date set by Your Honor for arraignment and a pre-trial conference pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(8)(A). The ends of justice served by such continuance outweigh the interest of the public and the defendant in a speedy trial because the continuance will allow the defendant time to review discovery, and have any

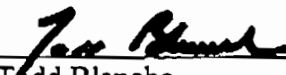
Hon. Victor Marrero  
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appropriate discussions regarding a possible disposition of this case. Defense counsel consents to this request for the exclusion of time.

Respectfully Submitted,

MICHAEL J. GARCIA  
United States Attorney

By:

  
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Assistant U.S. Attorney  
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cc: Lawrence Schoenbach, Esq. (by fax)